

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

DAVID W. QUALLS

PLAINTIFF(S)

vs.

NO. 5:12CV00089 SWW

PROFESSIONAL CREDIT MANAGEMENT

DEFENDANT(S)

FINAL SCHEDULING ORDER

This matter is now scheduled for trial to the Court in PINE BLUFF, Arkansas, during the week beginning February 11, 2013 at 9:30 A.M.. Counsel are to be present *30 minutes prior* to trial.

1. DISCOVERY COMPLETION

All discovery including evidentiary depositions, shall be completed *no later than September 14, 2012*. The parties may conduct discovery beyond this date if all parties are in agreement to do so; however, the Court will not be available to resolve any disputes which arise during the course of this extended discovery.

2. MOTIONS DEADLINES

- a. Motions to amend the pleading (including the complaint) shall be filed by *October 15, 2012*;
- b. Motions in limine shall be filed within the *14 calendar days* prior to trial; and
- c. All other motions, including motions for summary judgment, motions to dismiss, and motions pursuant to *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), shall be filed by *October 15, 2012*.

FAILURE TO MEET THIS DEADLINE MAY RESULT IN DENIAL OF SUCH MOTION/PLEADING SOLELY ON THE BASIS OF UNTIMELY FILING.

3. PRETRIAL CONFERENCE INFORMATION SHEET

The *Pretrial Disclosure Sheet* as outlined in Local Rule 26.2 shall be filed with the Clerk by *January 11, 2013*.

4. SETTLEMENT CONFERENCE

After discovery has been completed, the parties may request a settlement conference to be conducted by the Magistrate Judge. The request for such a settlement conference should be made no later than *30 calendar days* prior to trial date.

5. STIPULATION OF AGREED FACTS

A comprehensive *stipulation of agreed facts* shall be filed with the Clerk no later than *14 calendar days* prior to trial.

6. TRIAL BRIEFS & PROPOSED FFCL

Simultaneous trial briefs and proposed Findings of Fact and Conclusions of Law are to be submitted to the Court *14 calendar days* prior to trial. The Court requests counsel to provide the Findings of Fact and Conclusions of Law saved as a WordPerfect document or Rich Text Format file attached to an e-mail addressed to swwchambers@ared.uscourts.gov. Please type the case name and number in the subject box.

The parties are urged to e-mail the briefs to swwchambers@ared.uscourts.gov with *electronic links to citations*. Westlaw has software available for download free of charge: <http://west.thomson.com/software/westcitelink>. Use of these tools in word processing documents (Corel Word Perfect or Microsoft Word) will provide automatic links to the full text documents in Westlaw. Further, the Court encourages the parties to utilize citation-checking services available online.

7. STATISTICAL DATA

Any statistical data to be introduced into evidence shall be reduced to graph, chart or other comprehensive written form and presented to the court *14 calendar days* prior to trial. Any objection to the statistics or the factual basis thereof shall be delivered *7 calendar days* thereafter.

8. MARKING & EXCHANGE OF ALL EXHIBITS

To avoid delay during trial, counsel shall *mark and exchange all exhibits prior to trial*, stipulating to as many as possible. *The exhibits are to be listed in numerical sequence. Note stipulations and objections on the exhibit list.* If there is *an objection* to an exhibit, *attach a statement* setting out the basis for both the offer and the objection. The list is to be *delivered/mailed/e-mailed* to Cecilia Norwood (cecilia_norwood@ared.uscourts.gov) *no later than 7 calendar days* prior to trial.

9. MERGERS & ACQUISITIONS

If any party is a publicly-traded corporation, counsel should keep the Court advised of any actual merger or a pending acquisition so that the Court might prevent conflicts of interest from arising from the Judge's financial holdings.

11. COURTROOM TECHNOLOGY

Counsel should contact the Court prior to trial regarding the Court's electronic equipment for presentation of evidence, and if necessary, the Court will schedule a pretrial courtroom visit in order that counsel may become familiar with this electronic equipment, which the Court expects counsel to use during presentation of documentary evidence at trial.

In the event of settlement, please notify Ms. Cecilia Norwood at (501) 604-5104 *immediately*.

IT IS SO ORDERED this *5th* day of *April 2012*.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
OFFICE OF THE CLERK
600 WEST CAPITOL AVENUE
SUITE A107
LITTLE ROCK, ARKANSAS 72201**

JAMES W. McCORMACK
CLERK

(501)604-5104
Fax (501)604-5321

NOTICE TO ALL PARTIES IN THIS CASE OF ACTION

The complaint in the captioned case is presently assigned to Judge Susan Webber Wright's docket. Pursuant to 28 U.S.C. Sec. 636(c), a Magistrate Judge can be empowered by the consent of the parties to make final disposition of the matter without reference to a District Judge for review. The Magistrate Judge can also conduct a jury trial, if one was requested by either party. Appeal from a judgment entered by the Magistrate Judge would be directly to the United States Court of Appeals for the Eighth Circuit.

I am enclosing a Consent to the Exercise of Jurisdiction By a United States Magistrate Judge. If you wish the Magistrate Judge to handle the case to its conclusion, please complete the form and return it to me. I will present the Consent to the Court for approval after all parties have signed it.

I call your attention to the fact that the Scheduling Order issued in this matter contains the trial date scheduled on Judge Wright's docket. It is not an indication that the same date is available on the Magistrate Judge's calendar. However, the Magistrate Judge may be able to accommodate a more expedited trial date in some instances.

Yours very truly,
CECILIA NORWOOD
Courtroom Deputy for Judge Wright

Encs.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

**NOTICE, CONSENT, AND ORDER OF TRANSFER
-EXERCISE OF JURISDICTION BY A UNITED
STATES MAGISTRATE JUDGE**

DAVID W. QUALLS

vs.

Case: 5:12CV00089 SWW

PROFESSIONAL CREDIT MANAGEMENT

**NOTICE OF AVAILABILITY OF A UNITED STATES
MAGISTRATE JUDGE TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. 636(c), and Fed.R.Civ.P. 73, you are notified that a United States Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judge of a district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. 636(c) and Fed.R.Civ.P. 73, the parties in this case hereby voluntarily consent to have a United States Magistrate Judge conduct any and all further proceeding in the case, including the trial, order the entry of a final judgment and conduct all post-judgment proceedings.

SIGNATURES

PARTY REPRESENTED

DATE

ORDER OF TRANSFER

IT IS HEREBY ORDERED that this case be transferred to, United States Magistrate Judge, for all further proceedings and the entry of judgment in accordance with 28 U.S.C. 636(c), Fed.R.Civ.P. 73, and the foregoing consent of the parties.

Date

SUSAN WEBBER WRIGHT
United States District Judge